

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 03-48242

In re:

Elaine Catherine Barnard,

Debtor.

**NOTICE OF HEARING AND MOTION FOR
ORDER AUTHORIZING RULE 2004 EXAMINATIONS**

1. Randall L. Seaver, the Chapter 7 Trustee of the above-captioned bankruptcy estate (“Trustee”), applies to the court for authorization to conduct Bankruptcy Rule 2004 examinations. The examinations for which authorization is sought are those of Elaine Catherine Barnard, John H. Barnard, Richard L. Barnard, Midwest Area Closers, Inc. and Chase Manhattan Mortgage Corporation.

2. The Court will hold a hearing on this motion in Courtroom No. 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 at 9:30 a.m. on October 20, 2004 before the Honorable Robert J. Kressel, Bankruptcy Judge for the District of Minnesota.

3. Any response to this motion must be filed and delivered not later than October 15, 2004 which is 3 days before the time set for hearing (excluding Saturdays, Sundays and holidays), or filed and served by mail not later than October 8, 2004 which is 7 days before the time set for hearing (excluding Saturdays, Sundays and holidays). UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This bankruptcy case was commenced on November 25, 2003 by the filing of a Chapter 7 bankruptcy petition. The case is currently pending in this court. This court has jurisdiction over this application pursuant to 28 U.S.C. §157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. This Application arises under Bankruptcy Rule 2004. This Application is filed under Local Rule 2004-1(a).

5. The entities and individuals for which Rule 2004 discovery examinations authorization are sought have information relating to the Debtor's financial affairs. The connections and information of those individuals known by the Trustee at this time is as follows:

- a. Elaine Catherine Barnard. The Debtor apparently signed a deed conveying real property to John Barnard and Richard Barnard in August, 2003, which deed was not recorded until December, 2003, after commencement of the bankruptcy case. The transfer was not disclosed in the Debtor's statement of financial affairs. The Debtor would have information regarding the transfer.
- b. John H. Barnard. John Barnard was one of the recipients of the transfer described in paragraph 5(a) and would have knowledge regarding that transfer.
- c. Richard L. Barnard. Richard Barnard was one of the recipients of the transfer described in paragraph 5(a) and would have knowledge regarding that transfer.
- d. Midwest Area Closers, Inc. Apparently Midwest Closers, Inc. conducted the closing and would have knowledge regarding the transfers and purported subsequent encumbrance of the property.
- e. Chase Manhattan Mortgage Corporation. This entity apparently received a mortgage dated August 19, 2002 from Richard Barnard and John Barnard, which mortgage was not filed until after commencement of this bankruptcy case. This entity would have knowledge regarding the mortgage.

6. The Trustee needs to obtain information from the above individuals and entities so that he can determine the assets of this bankruptcy case and administer the estate.

WHEREFORE, the Trustee requests that the court enter an order approving the Trustee's examination, pursuant to Bankruptcy Rule 2004, of Elaine Catherine Barnard, John H. Barnard, Richard L. Barnard, Midwest Area Closers, Inc. and Chase Manhattan Mortgage Corporation.

FULLER, SEAVER & RAMETTE, P.A.

Dated: October 4, 2004

By: /e/ Randall L. Seaver
Randall L. Seaver 152882
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

Attorneys for Randall L. Seaver, Trustee

VERIFICATION

I, Randall L. Seaver, the Chapter 7 Trustee in the above-captioned matter state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on October 4, 2004

/e/ Randall L. Seaver
Randall L. Seaver, Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 03-48242

In re:

Elaine Catherine Barnard,

UNSWORN CERTIFICATE OF SERVICE

Debtor.

I, Kari L. Fogarty, declare under penalty of perjury that on October 5, 2004 I mailed a copy of the Notice of Hearing and Motion for Order Authorizing Rule 2004 Examinations and proposed Order by first class mail, postage prepaid to each entity named below at the address stated below for each entity:

Elaine Catherine Barnard
4609 Camden Avenue North
Minneapolis, MN 55412

John H. Barnard
4809 Camden Avenue North
Minneapolis, MN 55412

John H. Barnard
4609 Camden Avenue North
Minneapolis, MN 55412

Richard Barnard
4809 Camden Avenue North
Minneapolis, MN 55412

Richard Barnard
4609 Camden Avenue North
Minneapolis, MN 55412

Mary Jo A. Jensen-Carter
Buckley & Jensen
1339 East County Road D
Vadnais Heights, MN 55109

Officer/Managing Agent
Midwest Area Closers, Inc.
199 Coon Rapids Boulevard, #209
Coon Rapids, MN 55433
certified & regular mail

Officer/Managing Agent
Chase Manhattan Mortgage Corporation
7301 Ohms Lane, Suite 405
Edina, MN 55439
certified & regular mail

Office of the United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

FULLER, SEAYER & RAMETTE, P.A.

Dated: October 5, 2004

By: /e/ Kari L. Fogarty
Kari L. Fogarty
Legal Secretary
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

Bky No. 03-48242

In re:

Elaine Catherine Barnard,

ORDER APPROVING RULE 2004 EXAMINATIONS

Debtor.

At Minneapolis, Minnesota, this _____ day of _____, 2004.

Randall L. Seaver, the Trustee in the above-entitled matter has applied for authorization to conduct the examinations of Elaine Catherine Barnard, John H. Barnard, Richard L. Barnard, Midwest Area Closers, Inc. and Chase Manhattan Mortgage Corporation pursuant to Bankruptcy Rule 2004(a) and Local Rule 2004-1(a).

IT IS HEREBY ORDERED:

The Trustee's application for 2004 examinations of Elaine Catherine Barnard, John H. Barnard, Richard L. Barnard, Midwest Area Closers, Inc. and Chase Manhattan Mortgage Corporation is GRANTED.

BY THE COURT

Robert J. Kressel
U.S. Bankruptcy Judge